

REMARKS / DISCUSSION OF ISSUES

Claims 1-20 are pending in the application.

The Office action maintains the rejections of:

claims 1-2, 6-8, 12-15, and 19 under 35 U.S.C. 103(a) over Sciammarella et al. (USP 6,608,633, hereinafter Sciammarella) and Ali (USPA 2002/0199194); and

claims 3-5, 9-11, 16-18, and 20 under 35 U.S.C. 103(a) over Sciammarella, Ali, and Lemmons (USP 6,481,011). The applicants respectfully traverse these rejections.

MPEP 2142 states:

"To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) ***must teach or suggest all the claim limitations***... If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness."

Claim 1, upon which claims 2-6 depend, claims a method that includes rating categories based on user preferences, arranging the categories in accordance with a multi-level category scheme, and computing a rating of a category of a first level as a function of ratings of subordinate categories of a second level.

Claim 7, upon which claims 8-13 depend, claims an apparatus that includes user profile means for rating categories based on user preferences, and adapted to arrange the categories in accordance with a multi-level category scheme and to compute a rating of a category of the first level as a function of ratings of subordinate categories of the second level.

Claim 14, upon which claims 15-20 depend, claims an apparatus that includes a user profile module adapted to rate at least one of the plurality of categories based on user preferences, arrange the plurality of categories in accordance with a multi-level category scheme, and compute a rating of each of the plurality of categories of the first level as a function of ratings of plurality of categories of the respective second level.

Neither Sciammarella nor Ali teaches or suggests computing a rating of a category of a first level as a function of ratings of subordinate categories of a second level, as specifically claimed in each of the independent claims 1, 7, and 14.

The Office action acknowledges that Sciammarella does not teach computing a rating of a category of a first level as a function of ratings of subordinate categories of a second level, and asserts that Ali provides this teaching. The applicants respectfully disagree with this assertion. The Office action merely asserts that because Ali's FIG. 5 illustrates a rating associated with an upper level category and lower level category, "it is inherent to the system overall and more directly to screen 50 that the rating of the category is computed based on the ratings of the sub-categories". The applicants note, however, that there is no teaching in Ali to support this assertion, and Ali specifically teaches the contrary.

The Office action asserts that Ali's screen 50 in FIG. 5 teaches determining a category's rating based on the subcategory ratings, but fails to identify where Ali provides this teaching. Instead, the Office action asserts that the category rating of one 'thumbs up' is based on the fact that the sub-categories contain two sub-categories with three thumbs up, one sub-category with two thumbs up, three sub-categories with one thumbs up, and three sub-categories with two thumbs down, without any statements in Ali to support this assertion.

Contrary to the Office action's assertion, Ali specifically teaches that the user assigns the ratings at both the category and sub-category levels:

"the **user assigns thumbs to a program or a program feature** by depressing a button on a remote control that is provided with the client unit. ... As FIGS. 4 and 5 show, selecting the 'teach category' option 31, navigates the user to a 'teach category' screen 40 and subsequently to a 'teach sub-categories' screen 50. Selecting any one of the displayed **categories or sub-categories** allows **the user to assign 'thumbs' ratings** to the selected categories". (Ali, paragraph [0031].)

As indicated in the above cited text, Ali specifically teaches that the user assigns the thumbs rating to the category as well as the sub-categories. Ali's specific teaching that the user assigns the rating to the category expressly contradicts the Office action's assertion that the category rating is determined from the sub-category ratings.

Because Ali fails to teach that a category's rating is based on its sub-category ratings, as specifically claimed in each of the applicants' independent claims, and because Ali specifically teaches that the user assigns the category's rating, the applicants respectfully maintain that the Office action fails to provide a prima facie case of obviousness, and the rejections of claims 1-20 under 35 U.S.C. 103(a) that rely on Ali for this teaching is unfounded, per MPEP 2142.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

/Robert M. McDermott/
Robert M. McDermott, Esq.
Reg. 41,508
804-493-0707

Please direct all correspondence to:

Yan Glickberg, Esq.
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9618
Fax: (914) 332-0615